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To: Microsoft ATR
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Subject: Microsoft Settlement

I am strongly against the proposed settlement. I have witnessed Microsoft's anticompetitive tendencies firsthand (they blatantly absorbed business and technical ideas from a project my former company -- now defunct -- demo'ed to them in hopes of enlisting their support) and I suspect that the settlement will actually help them rather than hurt them.

For one thing, the language that forces Microsoft to share their APIs and the Windows-desktop real estate includes qualifiers limiting this provision to companies of a certain size, or with a viable business model -- language that Microsoft is probably gleeful about, as it gives them license to ignore the grassroots, open-source projects that are currently the only real challenge to its PC monopolies.

The civil suit remedy -- Microsoft donating millions in computers and software to US schools -- represents, if anything, a Br'er Rabbit ("oh please don't throw me in the briar patch") type of 'remedy'. The education market is one which Microsoft has had the most difficulties in establishing its monopoly; it's also one of the most potentially promising, as kids who learn to use computers via Microsoft products will be a major source of revenue for Microsoft in the future and the present (as their parents, and later they, buy home machines that they're comfortable using). Further, copies of existing software cost Microsoft close to nothing, so this doesn't even function as a fine.

Also, the remedy says nothing restricting Microsoft's practices in markets other than the OS and the browser. Windows XP finds Microsoft tying more products to the operating system and actively discouraging the use of competitors (permitting the 'ripping' of music to data files at high fidelity only if the destination format is Microsoft's own).

And finally, the three-member panel tasked to confirm that Microsoft is complying with the remedy has very little power. If Microsoft is not complying, there's nothing they can do.

I remember when Microsoft was one company among many, when Windows was one of several graphical user environments on the market and Office was one of several office suites. The pace of innovation then -- only a decade ago -- was far faster than it is now, despite the fact that raw computer power has been increasing equally fast (or even faster) recently. There has been some truly innovative work being done on the fringes of the industry (look at BeOS for example) -- and the reason that these ideas remain on the fringes is Microsoft.

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[Disclaimer: this email represents my views, not necessarily my employer's.]